

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARLO THOMAS,

Plaintiff,

v.

E.K McDANIEL, *et al.*,

Defendants.

3:11-cv-00664-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#56<sup>1</sup>) entered on July 22, 2013, recommending denying Plaintiff's Motion for Summary Judgment (#36) filed on December 26, 2012. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (#57) on August 12, 2013, and Defendants filed their Opposition to Plaintiff's Objections to Magistrate Judge's Report and Recommendation (#60) on September 4, 2013. Plaintiff then filed his Response to Defendants' Opposition to Plaintiff's Objections to Magistrate Judge's Report and Recommendation (#61) on September 16, 2013.

This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of

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<sup>1</sup>Refers to court's docket number.

1 the Plaintiff, the Defendants' opposition to Plaintiff's objections, Plaintiff's response to Defendants'  
2 Opposition, the pleadings and memoranda of the parties and other relevant matters of record<sup>2</sup> pursuant  
3 to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate  
4 Judge's Report and Recommendation (#56) entered on July 22, 2013, should be adopted and accepted.

5 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#56)  
6 entered on July 22, 2013, is adopted and accepted, and that Plaintiff's Motion for Summary Judgment  
7 (#36) is DENIED.

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9 IT IS SO ORDERED.

10 DATED this 19th day of September, 2013.



11  
12 LARRY R. HICKS  
13 UNITED STATES DISTRICT JUDGE  
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25 <sup>2</sup> The court has not considered declarations and exhibits which constitute evidence not  
26 presented to the Magistrate Judge.